

**REMARKS**

Claims 1-49 are currently pending in the application. Applicants have amended claims 1, 8, 14, 23, 31, and 35. Applicants request reconsideration of the application in light of the following remarks.

**Request to Admit the Amendment**

Applicant believes that the foregoing amendment presents the rejected claims in better form for appeal. Pursuant to 37 C.F.R. §1.116(a), Applicant requests the Examiner admit the amendment. However, even if the Examiner decides not to admit the amendment under 37 C.F.R. §1.116(a), Applicant respectfully requests the Examiner admit the amendment pursuant to 37 C.F.R. §1.116(b). The foregoing amendment is necessary to sufficiently define the invention described in claims 1-49. Upon these good and sufficient reasons for why the amendment is necessary and was not earlier presented, Applicants request the Examiner admit the amendment pursuant to either 37 C.F.R. §1.116(a) or 37 C.F.R. §1.116(b).

**Rejections under 35 U.S.C. §103**

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claims 1-49 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Nielsen (U.S. Patent No. 5,826,031, hereinafter "Nielsen"), in light of Cash, et al. (U.S. Patent No. 5,481,312, hereinafter "Cash"). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Applicants submit that their claimed invention is patentably distinct over Nielsen in view of Cash. Nielsen in view of Cash does not disclose or teach, as recited in applicant's amended claim 1 for example, Applicants' claimed invention of a transmitting computer comprising "a prioritized graphics file residing in the memory, the prioritized graphics file defining higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities such that when the prioritized graphics file is transferred across a network, the higher priority image transmission portions of the prioritized graphics file are transmitted and displayed before the lower priority image transmission portions of the prioritized graphics file." Independent claims 8, 14, 23, 31 and 35 have also been amended to include similar limitations.

Particularly, the prioritized graphics file of the claimed invention “defin[es] higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities.” See independent claim 1 for example. The prioritized graphics file of the claimed invention embodies/includes/contains internally “higher priority image transmission portions and lower priority image transmission portions”, as opposed to referencing external elements or objects. Applicant’s specification at page 21, line 22 to page 22, line 10. Thus, an entire transmission image partitioned into prioritized portions is defined/contained within a single prioritized graphics file.

The claimed invention is also one in which the prioritization occurs previous to the transmitting computer transferring the prioritized graphics file across a network, with the higher priority image transmission portions transmitted and displayed before the lower priority image transmission portions. See independent claim 1 for example. As described in Applicants’ specification, “[w]hen the image is sent to a user, the prioritized image will be sent in terms of this priority. The highest priority portions will be sent first and the lowest priority portions will be sent last. The user will, then, normally receive the highest priority portions first. Thus, the highest priority portions will be displayed and viewed first by the user”. See Applicants’ specification at page 10, lines 13-16. Therefore, a user may see and act upon the higher priority portions of an image even before all the portions of that image are downloaded to the receiving computer.

To the contrary, Applicant submits that Nielsen and Cash do not teach the claim limitations. Applicants read Nielsen as disclosing an invention where the different elements or objects that make up a web page are downloaded in a specified order after the web file has been retrieved by a receiving computer. Thus, instead of a “prioritized graphics file residing in the memory” of a transmitting computer with the “higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities”, as per independent claim 1 for example, Nielsen uses a web browser of a receiving computer to prioritize different references to external elements/objects among themselves. Applicant notes that web pages are commonly implemented using a markup language known as hyper-text-markup language, or HTML. The HTML language is then used to define the structure and behavior of the web page. Included in this, is the ability of HTML to reference other files that will be incorporated into the web page. For example, HTML documents can reference graphics files, audio files, applets or other elements, by specifying their file location and how they are to be incorporated into the web page. However, these other elements are not part of the base HTML file itself, but are instead separate files that are only referenced by the HTML file. When a web browser downloads a web page, the base HTML file is first downloaded, and then the referenced elements, such as graphic files, are requested by the web browser, downloaded, and integrated into the web page.

Therefore, applicant's reading of Nielsen finds a reference that discloses the download prioritization of different external elements referenced by an HTML document (see Nielsen col.1, lines 51 - 54 and column 6, lines 45-49), but does not disclose a "prioritized graphics file residing in the memory" of a transmitting computer with the "higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities" as claimed by applicant and described previously.

Additionally, Applicant respectfully submits that the Examiner has misinterpreted Cash and that it does not teach "a prioritized graphics file residing in the memory" of a transmitting computer, "the prioritized graphics file defining higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities such that when the prioritized graphics file is transferred across a network, the higher priority image transmission portions of the prioritized graphics file are transmitted and displayed before the lower priority image transmission portions of the prioritized graphics file." See independent claim 1 for example.

Instead, Applicants read Cash as disclosing an invention concerning only the "transmitting" of "a video bitstream from a transmitter over a packet network to a receiver, the video bitstream including a plurality of high priority segments (high priority partition) and low priority segments (low priority partitions) . . ." (emphasis added). See Cash column 1, lines 41-44. Although "the high priority information . . . is sent first over the network using a guaranteed delivery mechanism of the network" and " the low priority partition is

sent in real time over the network using a non-guaranteed delivery mechanism", the high priority portions are not displayed independently and before the low priority portions, but have to be interleaved with the low priority portions "in real time to recreate the video bitstream". See Cash column 1, lines 53-67. As more particularly described at Cash column 7, lines 10-27, "[i]n step 413, in our example client 220 reads the high priority partition from memory and, in step 414, sends it to video decoder 224 . . . In step 415, client 220 receives the low priority data segment in real time from server 200 and sends it in step 416 to video decoder 224. The steps 414 and 416 are coordinated by processor 221 so that the stored high priority partition is interleaved in real time with the received low priority partition sent to video decoder 224. The interleaved data would have the original raw compressed data stream format shown by 310. Video decoder 224 then converts the interleaved data to the display format needed to enable monitor 225 to display the requested video segment" (emphasis added).

Thus, Cash actually teaches that high priority segments of a video bitstream are transmitted before low priority segments and eventually mixed together in order to recreate the video bitstream so that it can be displayed, while Nielsen actually teaches that the different elements/objects that make up a web page are downloaded in a specified order after the web file has been retrieved by a receiving computer. Therefore, Nielsen in view of Cash does not teach "a prioritized graphics file residing in the memory" of a transmitting computer, "the prioritized graphics file defining higher priority image transmission portions

and lower priority image transmission portions that have been selected and assigned priorities such that when the prioritized graphics file is transferred across a network, the higher priority image transmission portions of the prioritized graphics file are transmitted and displayed before the lower priority image transmission portions of the prioritized graphics file” as claimed by Applicants and described previously (emphasis added).

Accordingly, Applicants submit amended independent claims 1, 8, 14, 23, 31 and 35 are patentably distinct over Nielsen in view of Cash. Furthermore, as claims 2-7, 9-13, 15-22, 24-30, 32-34 and 36-40 depend from, and include all the limitations of their respective independent claims, they are also submitted to be patentably distinct.

### **CONCLUSION**

In summary, and in view of the amendments herein, none of the references cited by the Examiner nor any other known prior art, either alone or in combination, disclose the unique combination of features disclosed in applicant’s claims presently on file. For this reason, allowance of all of applicant’s claims is respectfully solicited.

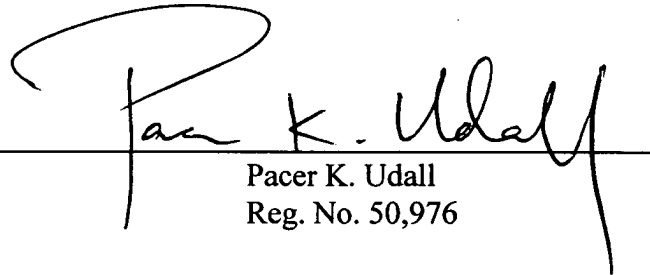
Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge IBM Corp. Deposit Account No.09-0465. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: July 31, 2002

By



Pacer K. Udall  
Reg. No. 50,976

**SCHMEISER, OLSEN & WATTS LLP**  
18 East University Drive, #101  
Mesa, AZ 85201  
(480) 655-0073





**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Claim 1. (Amended) An apparatus comprising:

a transmitting computer comprising:

at least one processor; [16]

a memory coupled to the at least one processor; and

a prioritized graphics file residing in the memory, the prioritized graphics file  
[14] [16]  
defining higher priority image transmission portions and lower priority image  
[i.e. well images in 530]  
transmission portions that have been selected and assigned priorities such that  
[understanding the blocks of the visual image]

when the prioritized graphics file is transferred across a network, the higher  
[inserted/inserted the disc of the image  
img.)  
priority image transmission portions of the prioritized graphics file are  
transmitted and displayed before the lower priority image transmission  
portions of the prioritized graphics file.

Claim 2. (Previously Amended) The apparatus of claim 1 further comprising a receiving  
computer receiving image transmission portions of the prioritized graphics file, the receiving  
computer comprising an image interpreter and an image viewer residing on the receiving  
computer, the image interpreter translating the received image transmission portions of the  
prioritized graphics file into image data, such that the image viewer can display the higher  
priority image transmission portions of the prioritized graphics file before displaying the  
lower priority image transmission portions of the prioritized graphics file.

Claim 3. (Previously Amended) The apparatus of claim 1 further comprising an image  
prioritization editor residing in the memory, the image prioritization editor allowing at least  
one image transmission portion of the prioritized graphics file to be selected and assigned at  
least one priority.

Claim 4. (Previously Amended) The apparatus of claim 3 further comprising an image interpreter, the image interpreter saving the prioritized graphics file in a prioritized graphics file format.

Claim 5. (Previously Amended) The apparatus of claim 4 wherein the prioritized graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 6. (Previously Amended) The apparatus of claim 4 wherein the prioritized graphics file format comprises a plurality of image transmission portions of the prioritized graphics file, each image transmission portion corresponding to the at least one priority.

Claim 7. (Previously Amended) The apparatus of claim 1 wherein the apparatus further comprises a simulation browser residing in the memory, the simulation browser simulating transmission and reception of the prioritized graphics file, the simulation browser adding a delay between image transmission portions of the prioritized graphics file.

Claim 8. (Amended) An apparatus comprising:

a transmitting computer comprising:

- c) at least one processor;
- b) a memory coupled to the at least one processor;
- c) a prioritized graphics file residing in the memory, the prioritized graphics file defining higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities such that when the prioritized graphics file is transferred across a network, the higher priority image transmission portions of the prioritized graphics file are transmitted and displayed before the lower priority image transmission portions of the prioritized graphics file; and

a receiving computer receiving the prioritized graphics file as received data from the transmitting computer, the receiving computer including:

- a) at least one processor;
- b) a memory coupled to the at least one processor;
- c) an image viewer residing in the memory;
- d) an image interpreter residing in the memory and cooperating with the image viewer to allow the image viewer to display received images, the image viewer translating the received data into image data to allow the image viewer to display the image data corresponding to the higher priority image transmission portions of the prioritized graphics file before displaying the image data corresponding to the lower priority image transmission portions of the prioritized graphics file.

Claim 9. (Previously Amended) The apparatus of claim 8 wherein the transmitting computer further comprises an image prioritization editor residing in the memory, the image prioritization editor allowing at least one image transmission portion of the prioritized graphics file to be selected and assigned at least one priority.

Claim 10. (Previously Amended) The apparatus of claim 9 wherein the transmitting computer further comprises an image interpreter, the image interpreter saving the prioritized graphics file in a prioritized graphics file format.

Claim 11. (Previously Amended) The apparatus of claim 10 wherein the prioritized graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 12. (Previously Amended) The apparatus of claim 10 wherein the prioritized graphics file format comprises a plurality of image transmission portions of the prioritized graphics file, each image transmission portion corresponding to the at least one priority.

Claim 13. (Previously Amended) The apparatus of claim 8 wherein the transmitting computer further comprises a simulation browser residing in the memory, the simulation browser simulating transmission and reception of the prioritized graphics file, the simulation browser adding a delay between image transmission portions of the prioritized graphics file.

Claim 14. (Amended) A program product comprising:

an image interpreter for creating a prioritized transmission graphics file, the prioritized transmission graphics file defining higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities such that when the prioritized transmission graphics file is transferred across a network, the higher priority image transmission portions of the prioritized transmission graphics file are transmitted and displayed before the lower priority image transmission portions of the prioritized transmission graphics file; and signal bearing media bearing the image interpreter.

Claim 15. (Unchanged) The program product of claim 14 wherein the signal bearing media comprises transmission media.

Claim 16. (Unchanged) The program product of claim 14 wherein the signal bearing media comprises recordable media.

Claim 17. (Previously Amended) The program product of claim 14 wherein the image interpreter can translate received image reception portions of a prioritized reception graphics file into image data, such that an image viewer can display the higher priority image reception portions of the prioritized reception graphics file before displaying the lower priority image reception portions of the prioritized reception graphics file.

Claim 18. (Previously Amended) The program product of claim 14 further comprising an image prioritization editor, the image prioritization editor allowing at least one image transmission portion of the prioritized transmission graphics file to be selected and assigned at least one priority.

Claim 19. (Previously Amended) The program product of claim 18 wherein the image interpreter can save the prioritized transmission graphics file in a prioritized transmission graphics file format.

Claim 20. (Previously Amended) The program product of claim 19 wherein the prioritized transmission graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 21. (Previously Amended) The program product of claim 19 wherein the prioritized transmission graphics file format comprises a plurality of image transmission portions of the prioritized transmission graphics file, each image transmission portion corresponding to the at least one priority.

Claim 22. (Previously Amended) The program product of claim 14 wherein the program product further comprises a simulation browser for simulating transmission and reception of the prioritized transmission graphics file, the simulation browser adding a delay between image transmission portions of the prioritized transmission graphics file.

Claim 23. (Amended) A program product comprising:

an image interpreter for creating a prioritized transmission graphics file, the prioritized transmission graphics file defining higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities such that when the prioritized transmission graphics file is transferred across a network, the higher priority image transmission portions of the prioritized transmission graphics file are transmitted and displayed before the lower priority image transmission portions of the prioritized transmission graphics file, the image interpreter also for translating received image reception portions of a prioritized reception graphics file into image data such that an image viewer can display the higher priority image reception portions of the prioritized reception graphics file before displaying the lower priority image reception portions of the prioritized reception graphics file; and  
signal bearing media bearing the image interpreter.

Claim 24. (Unchanged) The program product of claim 23 wherein the signal bearing media comprises transmission media.

Claim 25. (Unchanged) The program product of claim 23 wherein the signal bearing media comprises recordable media.

Claim 26. (Previously Amended) The program product of claim 23 further comprising an image prioritization editor for allowing at least one image transmission portion of the prioritized transmission graphics file to be selected and assigned at least one priority.

Claim 27. (Previously Amended) The program product of claim 26 wherein image interpreter can save the prioritized transmission graphics file in a prioritized transmission graphics file format.

Claim 28. (Previously Amended) The program product of claim 27 wherein the prioritized transmission graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 29. (Previously Amended) The program product of claim 27 wherein the prioritized transmission graphics file format comprises a plurality of image transmission portions of the prioritized transmission graphics file, each image transmission portion corresponding to the at least one priority.

Claim 30. (Previously Amended) The program product of claim 23 further comprising a simulation browser for simulating transmission and reception of the prioritized transmission graphics file, the simulation browser adding a delay between image transmission portions of the prioritized transmission graphics file.

Claim 31. (Amended) A method for transmitting a graphics file from a transmitting computer, the method comprising the steps of:

- a) selecting at least one image transmission portion of the graphics file;
- b) assigning a priority to the selected at least one image transmission portion to create a prioritized graphics file; and
- c) transmitting the prioritized graphics file across a network such that higher priority image transmission portions are transmitted and displayed before lower priority image transmission portions.

Claim 32. (Previously Amended) The method of claim 31 further comprising the step of saving the prioritized graphics file in a prioritized graphics file format.



Claim 33. (Previously Amended) The method of claim 32 wherein the prioritized graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 34. (Previously Amended) The method of claim 32 wherein the prioritized graphics file format comprises a plurality of image transmission portions of the prioritized graphics file, each image transmission portion corresponding to the at least one priority.

Claim 35. (Amended) A method for transmitting a graphics file from a transmitting computer and receiving the graphics file on a receiving computer, the method comprising the steps of:

- a) performing the following steps on the transmitting computer:
  - iii) selecting at least one image transmission portion of the graphics file;
  - ii) assigning a priority to the selected at least one image transmission portion to create a prioritized graphics file; and
  - iii) transmitting the prioritized graphics file across a network such that higher priority image transmission portions are transmitted and displayed before lower priority image transmission portions;
- b) performing the following steps on the receiving computer:
  - i) receiving a image transmission portion of the prioritized graphics file;
  - ii) translating the image transmission portion of the prioritized graphics file into image data;
  - iii) determining the location of the image transmission portion of the prioritized graphics file; and
  - iv) transferring the image data and the location to an image viewer such that the image viewer can display the image transmission portion of the prioritized graphics file at the location.

Claim 36. (Previously Amended) The method of claim 35 wherein the step of transmitting the prioritized graphics file across a network such that higher priority image transmission portions are transmitted before lower priority image transmission portions further comprises the following steps:

- A) simulating transmission and reception of a image transmission portion of the prioritized graphics file;
- B) translating the image transmission portion of the prioritized graphics file into image data;
- C) determining the location of the image transmission portion of the prioritized graphics file;
- D) transferring the image data and the location to an image viewer such that the image viewer can display the image transmission portion of the prioritized graphics file at the location
- E) waiting a delay; and
- F) repeating steps A through E until the entire prioritized graphics file has been transmitted and received.

Claim 37. (Previously Amended) The method of claim 35 wherein the step of translating the image transmission portion of the prioritized graphics file into image data further comprises the step of decompressing the image transmission portion of the prioritized graphics file.

Claim 38. (Previously Amended) The method of claim 35 further comprising the following step that is performed on the transmitting computer:

- iv) saving the prioritized graphics file in a prioritized graphics file format.

Claim 39. (Previously Amended) The method of claim 38 wherein the prioritized graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format.

Claim 40. (Previously Amended) The method of claim 38 wherein the prioritized graphics file format comprises a plurality of image transmission portions of the prioritized graphics file, each image transmission portion corresponding to the at least one priority.

Claim 41. (Previously Amended) The apparatus of claim 1 wherein the prioritized graphics file comprises a joint picture experts group file.

Claim 42. (Previously Amended) The apparatus of claim 1 wherein the prioritized graphics file comprises a graphics interchange format file.

Claim 43. (Previously Amended) The apparatus of claim 1 wherein the prioritized graphics file comprises a bitmap file.

Claim 44. (Previously Amended) The program product of claim 14 wherein the prioritized graphics file comprises a joint picture experts group file.

Claim 45. (Previously Amended) The program product of claim 14 wherein the prioritized graphics file comprises a graphics interchange format file.

Claim 46. (Previously Amended) The program product of claim 14 wherein the prioritized graphics file comprises a bitmap file.

Claim 47. (Previously Amended) The method of claim 31 wherein the prioritized graphics file comprises a joint picture experts group file.

Claim 48. (Previously Amended) The method of claim 31 wherein the prioritized graphics file comprises a graphics interchange format file.

Claim 49. (Previously Amended) The method of claim 31 wherein the prioritized graphics file comprises a bitmap file.